

CITY OF SURPRISE
Special City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Wednesday, January 20, 2021 @ 3:00 PM
COUNCIL CHAMBERS



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live.

For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3kFsM6l>

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- F. City Clerk Report
- G. Call To The Public

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email publiccomments@surpriseaz.gov. Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Mayor during the meeting or before the agenda item has otherwise concluded.

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-1250 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The City Clerk will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Mayor during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Mayor for public comment or after an agenda item has otherwise concluded.

- H. Special City Council Meeting Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|--------------------------|
| 1. | Internal | Presentation and discussion pertaining to the Council-Manager form of government, Conflicts of interest, and Arizona's Open Meeting laws. | Michael Frazier
Legal |
|----|----------|---|--------------------------|

REGULAR AGENDA ITEM - PUBLIC HEARING:

- I. Other Business and Future Agenda Items
- J. City Council Reports
- K. Executive Session

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));

- L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: January 14, 2021 at 4:05 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE Special City Council Meeting

Council Meeting Date: January 20, 2021

Contact Person: Michael Frazier, CITY
MANAGER

Submitting Department: Legal
Staff Recommendations:

District: Internal

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
-------------	-------------	--------------------	-----------------------

Agenda Wording:

Presentation and discussion pertaining to the Council-Manager form of government, Conflicts of interest, and Arizona's Open Meeting laws.

Motion:

Presentation and discussion only; no action.

Background:

The City attorney will present on the Council-manager form of government, conflicts of interest, and Arizona's Open Meeting Laws.

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. 21.01.14 Council Presentation
-



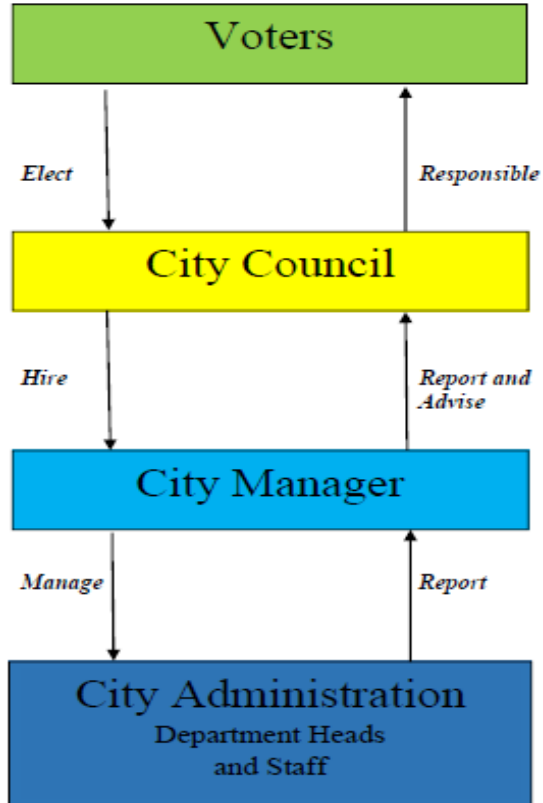
Council-Manager form of local government

City Attorney's Office 2021

Sec 2-1 Form of Gov.

The City of Surprise will operate under a council-manager form of government, combining strong political leadership with strong managerial experience of a city manager. The roles and responsibilities of the city council and city manager must comply with the council-manager form...

A SYSTEM IN WHICH POLITICAL LEADERSHIP & PROFESSIONAL LEADERSHIP ARE BLENDED AND PUBLIC POLICY DECISIONS ARE MADE BY ELECTED OFFICIALS ON THE BASIS OF PROFESSIONAL RECOMMENDATIONS & ADVICE USING THE OBJECTIVE STANDARDS OF COST, EFFICIENCY, MEASURABLE OUTCOMES AND OPTIMUM SERVICE TO CITIZENS.



APPOINTED MANAGER IS HELD ACCOUNTABLE FOR EXECUTIVE FUNCTIONS BY CITY COUNCIL. IN ITS PUREST FORM, MANAGER REPORTS TO FULL COUNCIL RATHER THAN PRIMARILY TO THE MAYOR.

Sec. 2-100 et seq.

- Council will not:
 - direct or give orders to any city employees under the supervision of an appointed official
 - involve itself in personnel matters

Sec. 2-122 CM Powers/Duties

- Serve as operational and administrative head of city.
- Head of personnel
- Manage daily operations of Council
- Carry out goals and directives of Council
- Make budget recommendations

Powers/Duties Cont'd.

- Advise Council on matters of financial condition of the city & make recommendations
- See all laws and ordinances are duly enforced

City Council

- Does:
 - Fills the gap between citizens and local government
 - Creates and make policy decisions [direction]
 - Long/short term goals & priorities
 - Adopts Budget

Cont'd.

- Tax rates & general plans
- Legislative functions
- Relies on City Manager to receive information and recommendations.

Does not:

- Interfere in daily operations
- Hire or fire employees

Cont'd.

- Micro-manage
- Involve in daily operations & general structure
- * Let the City Manager manage

City Manager

- Does:
 - Make policy/budget recommendations
 - Implement City Council policy direction/decisions
 - Directs city operations within budget
 - Personnel decisions
 - Provide advice based on objective standards

Cont'd.

Does not:

- Set policy other than internal practices
- Engage in politics or bend to political influence

Conflict of Interest

“[Conflict of interest law] embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the government” *United States v. Miss. Valley Generating Co.*, 364 U.S. 520, 549 (1961).

Conflict of Interest

Arizona statutory law requires public officers (or employee) who have a conflict of interest to do two things...

- 1) Disclose the interest
- 2) Refrain from any participation in the matter.

A.R.S. §§ 38-501 to 511.

A.R.S. § 38-503(A)

Any **public officer** or employee of a public agency who has, or whose **relative** has, a **substantial interest** in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

Relatives

Your spouse

Your children or step-children

Your parents or step-parents

Your in-laws

Your grandchildren

Your grandparents

Your siblings by full or half-blood

Substantial Interest

An interest is “substantial” if it is not defined by statute as “remote” and if it is any **pecuniary** or **proprietary** interest, either direct or indirect. A.R.S. § 38-502(11).

Pecuniary= Money

Proprietary= Property

Pecuniary & Proprietary interests are **economic interests!**

Appearance of Impropriety

How would this action look from the outside?

Negative connotations in the media?

A.R.S. § 38-431.01(A)

Arizona law states:

All meetings of any public body must be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies must occur during a public meeting.

State Policy A.R.S. § 38.431.09

- Meetings of public bodies must be conducted openly.
- Notices and agendas provided for meetings with information reasonably necessary to inform the public of matters to be discussed or decided.
- Construe OML in favor of “open and public meetings.”
- Discuss or take action ONLY on items that are on the agenda.

What is a meeting?

Meeting: the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.

A.R.S. § 38-431(4).



QUESTIONS OR COMMENTS?

Thank You